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Minutes  
Regular Meeting  
November 10, 2015

Present: Mayor Pro-Tem Jeff Turek, Councilmen Garth Nisson, Kress Staheli, City Manager Roger Carter, City Attorney Jeff Starkey, City Recorder Danice Bulloch, Public Works Director Mike Shaw, Community Development Director Drew Ellerman, Police Chief Jim Keith, Administrative Services Manager Kimberly Ruesch, Audience: Corbin Church, Marc Raines, Kim Julian, Rich Elsmore, Jim Lilywhite, Diana Phillips, Holly Campbell, Clare Maffitt, Dick Maffitt, Richard Sokoff, Lee Ingram, Ben Alba, Karl Larson, Tom Smith, Troy Belliston, Kolene Granger

Excused: Mayor Kenneth Neilson, Councilmen Thad Seegmiller and Ronald Truman

Meeting commenced at 6:00 P.M.

**Invocation:** Councilman Staheli

**Pledge of Allegiance:** Councilman Nisson

**1. APPROVAL OF THE AGENDA**

*Councilman Staheli made a motion to approve the agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**2. ANNOUNCEMENTS**

Mayor Pro-Tem Turek appreciate all those in the military services. We are holding our Veterans Day Parade tomorrow at 11:11 A.M. There will be a celebration, which will begin immediately following the parade in the Veterans Park.

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. CONSENT AGENDA**

**APPROVAL OF MINUTES:** Consideration to approve the minutes from the City Council Meetings of 10/27/15 and 10/28/15.

**BOARD AUDIT REPORT:** Consideration to approve the Board Audit Report for October.

*Councilman Staheli made a motion to approve the consent agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**5. CANVASSING**

**A. Consideration to approve the Canvassing of the November 3rd General Municipal Election Results. City Recorder Danice Bulloch**

City Recorder Danice Bulloch reviewed the final results for the November 3rd Election.

*Councilman Staheli made a motion to approve the Canvassing of the November 3rd General Municipal Election Results. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**6. PRELIMINARY PLAT**

**A. Consideration to approve the Preliminary Plat for the Warner Gateway, located at approximately East of Marlberry Way 4600 South. Applicant: Corbin Church**

Community Development Director Drew Ellerman reviewed:

The applicant is (once again), requesting approval of a Preliminary plat for the Warner Gateway subdivision, located at approximately 4600 South 1200 East (just east of Marlberry Way of The Meadows at Stucki Farms subdivision). The applicant is wishing to develop 150 lots on an area covering 34.84 acres. The previous request was for 162 lots (on the same amount of acreage). The location of this particular project is zoned Single-Family Residential - 6,000 Sq. Ft. Min. (R-1-6).

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. The one problem area as it relates to this request, is the fact that there is only one ingress/egress roadway available (Marlberry Way) to this proposed subdivision.

With that said, staff is requiring that only 30 lots will be able to apply for final plat status until

the time that other ingress/egress points will be established as growth occurs to the either the north or south boundary lines of the subdivision.

Back in August of this year, the first request for a preliminary plat was applied for. That request was heard by the Planning Commission and sent forward to the City Council with a 3-2 vote for denial. In the staff report to the City Council, it was pointed out that the reasons as stated in the motion for denial, were not in accordance with state regulations governing preliminary plat reviews. When the plat reached the City Council, during their consideration of the plat, it was tabled. The Council asked the applicant to go back and re-work the design of the lots to be more in line with the adjoining subdivision (at least at the easterly boundary). The applicant went back and dropped five (5) lots, upsized the lots along the border on the east (specifically the ones bordering the park area in The Meadows subdivision. At the second review with the City Council, after the tabling of the item, the Council, by a vote of 3-1, denied the request with concerns about access for both the current and future residents of the area, access for construction vehicles, and also the feathering of lot sizes as discussed in the zone change process previously.

This new proposal has changed in the area of lot sizes as follows: the overall lot count has gone from the original number of 162 down to 150; the number of 6,000 sq. ft. lots has gone from 102 down to 51; the number of 7,000 sq. ft. lots has gone up from 26 to 43; the number of 8,000 sq. ft. lots has gone up from 11 to 29; the number of 9,000 sq. ft. lots has gone up from 12 to 21; and number of 10,000 sq. ft. (or greater) lots has stayed the same (see the table below).

<u>Original Denied Plat</u>	<u>New Proposed Plat</u>
6,000 + sq. ft. lots = 102 (65%)	6,000 + sq. ft. lots = 51 (34%)
7,000 + sq. ft. lots = 26 (16%)	7,000 + sq. ft. lots = 43 (29%)
8,000 + sq. ft. lots = 11 (7%)	8,000 + sq. ft. lots = 29 (19%)
9,000 + sq. ft. lots = 12 (8%)	9,000 + sq. ft. lots = 21 (14%)
<u>10K to 12K sq. ft. = 6 (4%)</u>	<u>10K to 12K sq. ft. = 6 (4%)</u>
Total = 157 (100%)	Total = 150 (100%)

The applicant has (once again) gone back and re-designed the lots, lowering the number of, and adjusting the size of, a large number of the lots, and has re-applied for approval of the preliminary plat. Staff has been highly involved in that re-design, and has once again reviewed the request. Staff strongly recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary Plat for the Warner Gateway subdivision to the City Council, based on the following findings and subject to the following conditions:

#### Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

### Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Only thirty (30) lots will be able to apply for final plat status and be recorded, until the time that alternative ingress/egress roads are made available through development to either the north or the south boundary lines of the subdivision.
12. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.
13. Lots 2, 3, 4 and 5 be limited to single story homes.

Councilman Staheli asked if this development would be allowed to have pump stations.

Community Development Director Ellerman stated most people do not chose to have a lift station because of the cost.

Public Works Director Mike Shaw stated there are requirements before a lift station can even be considered. This development looks as though it can gravity feed. All of the sewer lines have been upsized, and should be able to handle this development. If the development does not gravity flow, then a lift station would be the only option. However, this would be entirely at the

cost of the developer.

Councilman Staheli asked the developer plans to build the homes, or if he will be putting the development on the market.

Corbin Church stated he is open to either option.

Mayor Pro-Tem Turek complimented the developer on the improvements to the development. He has a much improved design, and he is very happy for the compromise.

Councilman Nisson agreed this is a very nice development and he is happy with the changes.

Councilman Staheli stated the Council has been willing to give a higher density with the understanding the lot sizes will be larger. However, this design meets the R-1-6 zoning, and Council has done the best they can to make this a nice development.

*Councilman Staheli made a motion to approve the Preliminary Plat for the Warner Gateway, located at approximately east of Marlberry Way 4600 South with the findings and conditions of Staff and as recommended by the Planning Commission with the additional condition number 13 stating lots number 2, 3, 4 and 5 be limited to single story homes. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

## **7. PUBLIC HEARINGS AND RELATED ORDINANCES**

### **A. Public Hearing for consideration to vacate .48 acres of the platted roadway for the old Washington Fields Road alignment, located at 2000 South and Washington Fields Road. Applicant: Washington City**

Public Works Director Mike reviewed the proposed vacation of the old Washington Fields Road alignment. The Nisson family owns both sides of the right of way, and upon approval the entire portion would be deeded back to them.

No public comments were made.

*Councilman Nisson made a motion to close the public hearing. Councilman Staheli seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

### **B. Consideration to approve an Ordinance vacating the old alignment for Washington Fields Road**

*Councilman Nisson made a motion to approve an Ordinance vacating the old alignment for Washington Fields Road. Councilman Staheli seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

## **8. AGREEMENTS**

### **A. Drug Task Force Inter local Agreement Police Police Chief Jim Keith**

Police Chief Jim Keith reviewed the changes to the current Interlocal Drug Task Force Agreement. The agreement is simply making minor changes to bring the document within legal compliance.

*Councilman Staheli made a motion to approve a Drug Task Force Interlocal Agreement amendment by Resolution. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

## **9. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Councilman Staheli stated the Youth Council have been involved in many activities, and will be participating in the Veterans Day Parade as well. The Community Education Channel is very committed to all of the Municipalities, and will also be participating in the Veterans Day Celebration. They are definitely an asset to the City.

## **10. CITY MANAGER REPORT**

City Manager Roger Carter thanked the community for the support in the Grand Opening of the Sullivan Virgin River Soccer Park. We ask the public to hold off on too much competitive play on the fields until February. They are being overseeded now, and we hope they have a small amount of time to mature. We are having some settling on Telegraph near Highland, which Public Works is aware of. We are in design on the downtown storm drain issues. We are attempting to get Community Development Block Grant money to help with the redevelopment of Telegraph. This is coming before Council in the form of the first public hearing on December 9th. The Police Station is moving forward very quickly, and the brick is more than halfway complete. The estimated completion is sometime in January. The drive-thru for payment drop-off is nearly complete, and we hope to have it open in the next couple of weeks.

Councilman Staheli asked about the cottonwoods along Washington Fields Road.

City Manager Carter explained the trees are in the way of the upcoming development. They are going to have to be removed.

Public Works Director Mike Shaw explained there are many utilities under the trees, and the developer has to be very careful with how they are removed.

**11. ADJOURNMENT**

*Councilman Nisson made a motion to adjourn the meeting. Councilman Staheli seconded the motion; which passed with the following roll call vote:*

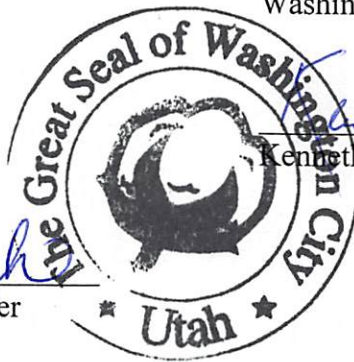
<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

*Meeting adjourned at 6:50 P.M.*

Passed and approved this 9th day of December 2015.

Attest by:

  
Danice B. Bulloch, City Recorder



Washington City

  
Kenneth F. Neilson, Mayor

